MR. O'CONNELL: Good afternoon, my name is Brian O'Connell. I'm appearing on behalf of the National Association of Regulatory Utility Commissioners. NARUC, as it's called, is the organization that represents utility regulatory commissions in fifty states and the District of Columbia. For purposes of this program, we often refer to ourselves as the watchdog for the use of the Nuclear Waste Fund, which pays for the lion's share of this repository program, and I dare say, even this EIS proceeding. So you've heard from the banker.

NARUC plans to submit further written comments on the repository SEIS and the draft SEIS for the Nevada rail corridor, and the rail alignment EIS next month. I wanted to make a few general and summary comments this afternoon. I have four topics to cover. First would be what these documents are and what they are not. Excellent graphic portraying the relationship between previous

environmental impact documentation and the ones that we're addressing today.

It's well worth analyzing. It's our interpretation that the intent of the draft repository SEIS is to present more current information and analysis that is more reflective of the repository design and related operational schemes than was in the 2002 final EIS for the repository. That analysis could also serve as a basis for the NRC to adopt it, to the extent practicable, into any EIS to be prepared by the NRC as part of the licensing action per the Nuclear Waste Policy Act.

While it may not seem that way to many who will comment at these hearings and those held in Nevada or in the written comments, this SEIS, to my understanding, does not represent a revisiting of decisions already made. Yucca Mountain, as has been pointed out by prior speakers, has been approved by Congress as the site for the

repository. Unless Congress directs otherwise, the next step in the repository development process, as set forth in the Nuclear Waste Policy Act, is for the Department of Energy to submit a construction license application to the NRC that will meet regulatory requirements set forth by the NRC, including demonstration that the repository will comply with the radiation regulation issued in draft but not yet final form by the EPA.

My understanding of the Nevada rail corridor draft SEIS and the draft EIS for the rail alignment are themselves follow-on documents that examine environmental impacts of transportation decisions that have already been made by DOE, namely the choice of the mostly rail mode and the Caliente rail corridor. After some examination of what, for a time, was a possible alternative route, a minor route, that possibility has been determined by DOE to be not-feasible and is

now classified as non-preferred.

The rail alignment draft EIS then examines and presents for public comment the specific alignment for the railroad proposal to be built within the previously chosen Caliente corridor. Now as for the documents themselves, the scope of the EIS for the 2000 -- done in 2000 -- was immense and complex. The expanded regulatory period for radiation standards in this supplemental EIS -- out to one million years -- only adds to that complexity.

DOE has done an excellent job in providing a review of changed conditions since the final EIS was published, and providing its analysis of environmental impacts related to those changes, including the TAD based repository system, the TAD transportation changes, new total systems performance assessment modeling, the draft radiation standard revisions, revised inventory module contingencies, and post-9/11 security threat

analysis.

Although there are some improvements in the use of graphics and readability, the SEIS still remains technically daunting in certain areas to fully understand. For example, the layperson may have, as I did, some difficulty relating to such terms as ".006 latent cancer fatalities per person rem" in the sections on radiological risk. The more conventional non-radiological environmental impacts in the documents seem comprehensively displayed in several tables for both the pre-closure and post-closure period, and all seem to be small or what might be expected for development of any major construction project in a remote section of Nevada desert.

The results of the dose forecast estimates using the latest TSPA modeling show likely compliance with the fifteen millirem/year standard for the first ten thousand years, and well below the 350

millirem/year limit for the period of ten thousand to one million years. I had further comments here on uncertainty, and I'd like to skip over those. They're in my written comments, which I provided to the registration desk.

I'd like to talk about the need for a real solution. Since the 1950s, it has been the national and international consensus among the scientific community that geological disposal is the best means by which to isolate high-level radioactive waste from the human environment. When Congress passed the Nuclear Waste Policy Act twenty five years ago, members may have though they settled the nuclear waste problem by setting geological disposal as the national policy direction, and reaffirming that the federal government is responsible for implementation of that policy.

While there have been struggles and lessons learned about proceeding with a solution that, to some, seems worse than the

initial problem that it was intended to solve. Congress in 2002 approved the next steps to be taken that result in building a repository and moving nuclear waste to it. Some opponents of the repository may see the repository as unnecessary or the wrong solution to what they consider the nuclear industry's problem.

Such a belief fails to recognize that even if there were never a commercial nuclear industry in this country, producing twenty percent of the nation's electricity, there would still be a need for a nuclear waste repository for the waste products from nuclear weapons programs, and to dispose of spent fuel from reactors from Navy ships and submarines. Others opposing the repository say, "Well, why shouldn't we reprocess or recycle the spent fuel, as is done in other countries?"

Well, the US is re-examining reprocessing. As has already been mentioned

by Steve Kraft, reprocessing, in all its feasible scenarios, still involves some residual that must be disposed of in a geologic repository. The last item I'd like to mention is the no-action alternative. I dare say using the composite approach, a generic EIS, if you will, for that no-action alternative, had there been a comparable level of investigation of just one site where nuclear waste is currently stored -- let's take, for example, at Wiscasset, Maine, on the Maine coast -- if there had been a comparable study of proposing a no-action alternative at that location, there would have been a hew and cry from that location equal to that which has been heard frequently and sustained in Nevada.

This is emotional, but there are facts, and has been pointed out, the best way to resolve those facts is to have them investigated by the technical and legal authorities for that purpose, using the licensing process. I'd like to summarize by

saying that Yucca Mountain is the best available long-term solution to a national problem that must be addressed successfully by this generation in the interest of protecting the health, safety, and welfare of the American people.

DOE must provide a safe solution, even recognizing the uncertainties of future risks. The rate payers have provided $27 billion for this project and counting, with the implied federal promise that it would finance the solution with further fees to be collected from future nuclear generated power use. Nevada may not be fully satisfied with the Yucca Mountain repository, but the federal government should provide mitigation for their part in meeting an important national need. That concludes my remarks today. We appreciate the opportunity to speak at this session, thank you.

MR. BROWN: Thanks Brian. Aja Binette is next. Kevin Kamps will follow, and

then Nithin Akuthota.